

REMARKS/ARGUMENTS

The Examiner has incorrectly rejected Claims 1, 9-13, 15-19, 26, 28-29, 35-38, 46-50, 52-56, 63-65, 68 and 71-73 as allegedly obvious over U.S. Patent No. 6,865,170 to Zendle ("Zendle") in view of U.S. Patent No. 6,011,785 to Carney ("Carney"). The Applicant asserts that this rejection is improper and must be withdrawn.

Zendle is generally directed toward a metropolitan wide area network. More specifically, Zendle discloses "a fixed wireless microwave scheme which allows a many to one relationship between hub systems and remote systems located in customer buildings." (col. 5, line 65-68)

However, the hubs as contemplated by Zendle are not the hubs referred to in the instant application. The instant application recites "... communication infrastructure utilized according to the present invention is modular or includes modular components in order to facilitate supplemental equipment deployment in order to accommodate subsequent changes in demand and/or subscription." [Paragraph 0012, line 9]

Zendle, on the other hand, is directed toward the network topology itself and not toward hub design. While Zendle discloses a detailed treatment of network architecture and transport methods, there is only minimal treatment of hub design, in general, and the non-existence of any specific discussion of a modular bus structure. In fact, Zendle side-steps the issue of hub design completely by stating: "In the final analysis, hub design is a function of overall customer demand for capacity and the geographical distribution of customer locations." (Zendle col 7, line 24-27)

Zendle discloses, in Figure 6B and col. 6 ll. 30-49, a non-modular bus structure at the hub. The hubs of Zendle connect each antenna with a corresponding radio unit, which is in turn attached to a hub indoor unit via an interfacility link (col 6, line 42-49). The point-to-point nature of the hub connections in Zendle would actually preclude a bus structure as described in the instant application. Therefore, there is no motivation to combine the disclosure of Zendle with any other art disclosing a modular bus structure.

Accordingly, the hub described in Zendle is not capable of being combined with a modular bus structure. Moreover, there is no motivation in Zendle to utilize a modular bus structure. Therefore, the rejections based on Zendle must be withdrawn and Applicant respectfully requests that all the rejections based on Zendle be withdrawn.

Regarding the Examiner's reliance on Carney, Carney is generally directed toward a wideband wireless base-station making use of Time Division Multiple-Access (TDMA) bus to effect switchable connections to modulator/demodulator resources. More specifically, Carney alleges a wireless communication system base station making use of a wideband, multichannel digital transceiver having incorporated therein a TDMA bus used as a cross-bar switch to permit dynamic allocation of modulator and demodulator signal processing resources.

The instant application acknowledges the capability to allocate processing resources within the hub as contemplated by Carney. "As demand for communication services increase, communications hub may be operated to serve some increased demand through allocation of the available resources without the need for configuration alteration. However, at some point it is envisioned that an increase in demand will surpass a

communication hub's ability to adequately service the demand without configuration alteration according to the present invention." [Paragraph 0045, line 1-10 of the instant application]

Carney fails to address how additional capacity can be obtained once the finite capacity of the basestation is reached. The instant application specifically addresses this problem by utilizing the modular nature of the basestation hubs. Therefore, the basestation hub of Carney is not the hub contemplated by the instant application.

Moreover, Carney fails to teach or imply the inclusion of dormant radio modules in the hub system. This is explicitly described in the instant application as a means of creating latent capacity. [Paragraph 0051, lines 10-14] In contrast, Carney refers to, "automatic on-demand redistribution of basestation resources," (col 3, line 52-54) which implies that all capacity is fully utilized. This in turn implies that there can be no latent capacity in Carney.

As neither the hubs disclosed in Carney nor the indoor units disclosed in Zendle are similar to the hubs described in the instant application, the Examiner's assertion that Claims 1 and 38 of the instant application are obvious over Zendle in view of Carney is clearly improper and must be withdrawn. Moreover, as Claims 9-22, 46-59 and 63 all depend from patentable Claims, the rejection to these Claims should likewise be withdrawn without regard to the additional patentable limitations contained therein and Applicant respectfully requests the rejections be withdrawn.

The Examiner has rejected Claims 28 and 64 as being obvious over Zendle in view of Carney. Claims 28 and 64 recite in pertinent portions, "...an expandable bus structure

for accepting communication signal processors..” As discussed above, the expandable bus structure referred to is clearly not contemplated by either Zendle or Carney. As such, the Examiner’s rejection of Claims 28 and 64 must be withdrawn. Moreover, as Claims 29, 33-37, 65, and 68-73 all depend from patentable Claims, the rejection to these Claims should likewise be withdrawn without regard to the additional patentable limitations contained therein and Applicant respectfully requests the rejections be withdrawn.

The Examiner has rejected Claim 27 as being obvious over Zendle and Carney in view of U.S. Patent No. 6,016,313 to Foster *et al.* (“Foster”). Claim 27 recites in pertinent portions:

“the improvement comprising a bus structure operatively connected to said first communication signal processor and to said communication controller, wherein said bus structure is adapted to accept plural communication signal processors and operatively connect said plural communication signal processors to said communication controller to thereby provide plural levels of communication capacity between the hub and the plural nodes.”

As previously discussed, the improvement referred to is clearly not contemplated by either Zendle or Carney. The further reference to Foster does nothing to overcome the aforementioned deficiencies of Zendle and Carney. Accordingly, the Examiner’s rejection of Claim 27 must be withdrawn and Applicant respectfully requests the rejection be withdrawn.

CONCLUSION

The Applicant requests withdrawal of the rejections of Claims 1, 9-29, 33-38, 46-59, 63-65, and 68-73.

The Office Actions rejection of the claims is without merit and without support in the disclosure of Zendle and Carney. As neither the hubs disclosed in Carney nor the indoor units disclosed in Zendle are similar to the hubs described in the instant application, the Examiner's assertion that the instant application is unpatentable over Zendle in view of Carney is clearly improper and must be withdrawn.

The Applicant submits that the claims 1-73 are in condition for allowance and request a notice to this effect.

Although an extension of time is not deemed necessary at this time, the Office is hereby authorized to charge any appropriate extension fee to Deposit Account No. 04-1679, Duane Morris LLP.

Respectfully submitted,



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Amendments to the Drawings:

Please replace Figure 9 with the enclosed replacement sheet and annotated sheet showing changes included in the Appendix.

Attachment: Replacement Sheet

Annotated Sheet Showing Changes

ANNOTATED MARKED-UP DRAWING

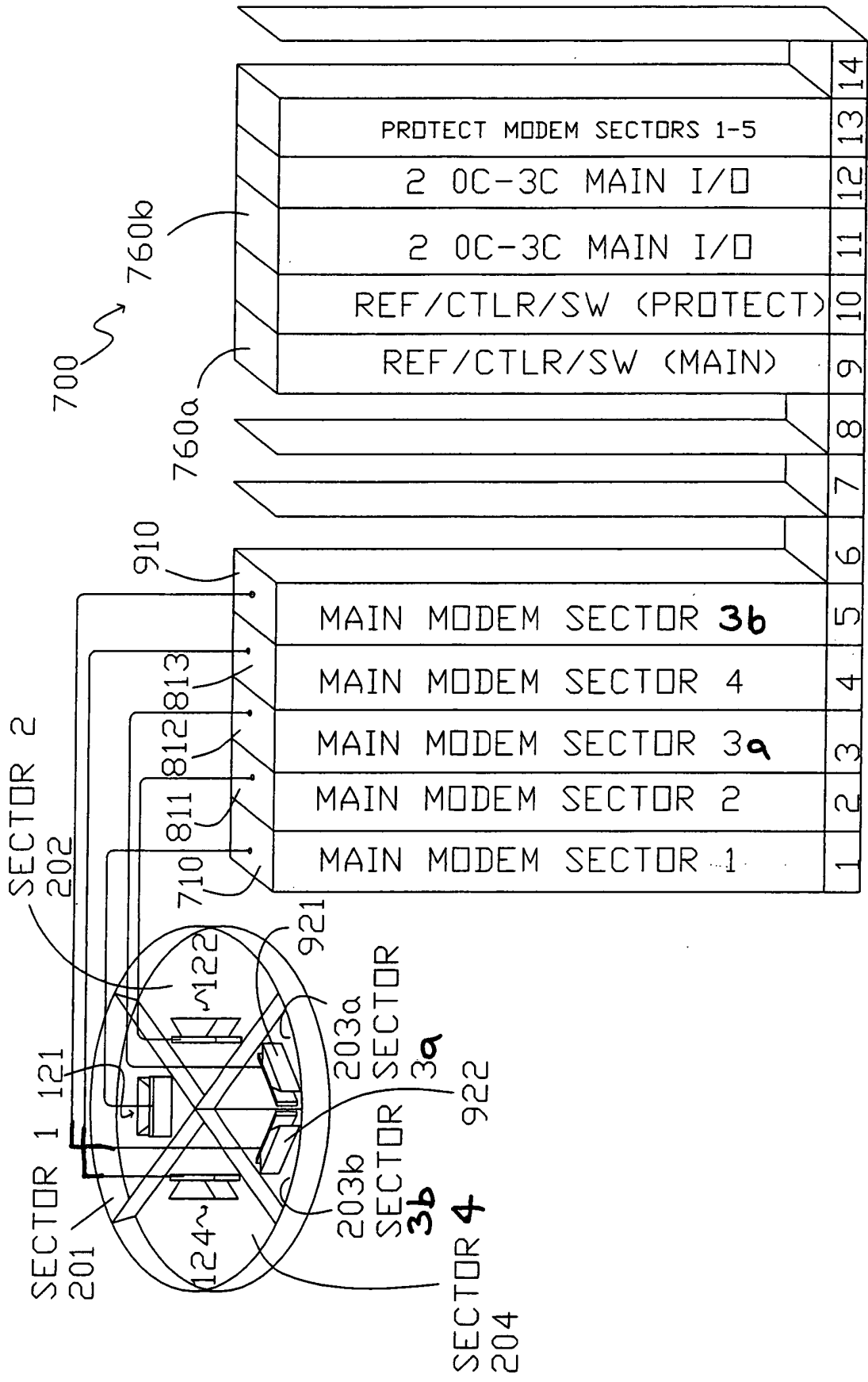


FIGURE 9